

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**CHARLESTON DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

CRIMINAL ACTION NO. 2:14-cr-00275

FREEDOM INDUSTRIES, INC.,

Defendant.

**ORDER**

On March 23, 2015, came the United States of America, by Assistant United States Attorneys Philip H. Wright, and Eric Bacaj, and also came the Defendant, Freedom Industries, Inc., represented by the Chief Restructuring Officer Mark Welch, and Freedom Industries, Inc.'s attorney, Robert R. Leight, during which Mr. Welch, as more particularly set forth on the record, entered a guilty plea to Count One of the Information, which charges Freedom Industries with negligent discharge of a pollutant, in violation of 33 U.S.C. §§ 1319(c)(1)(A) and 1311, to Count Two of the Information, which charges Freedom Industries with unlawful discharge of refuse matter, in violation of 33 U.S.C. §§ 407 and 411, and to Count Three of the Information, which charges Freedom Industries with a knowing violation of a permit condition, in violation of 33 U.S.C. §§ 1319(c)(2)(A), 1311, and 1318.

Pursuant to U.S.S.G. § 6A1 *et seq.*, it is hereby **ORDERED** that:

1. The Probation Office undertake a presentence investigation of the Defendant and prepare a presentence report for the Court;

2. Pursuant to Federal Rule of Criminal Procedure 32(e)(3), the United States Probation officer is directed not to disclose to the Defendant, the Defendant's counsel, or the attorney for the Government the Probation Officer's recommendation, if any, on the sentence;

3. The Court **ORDERS** that the United States Probation Office prepare and forward a draft presentence report to the United States and counsel for the Defendant no later than **May 18, 2015**; that the United States Attorney and counsel for the Defendant file any objections to the draft presentence report no later than **June 1, 2015**; and that the Probation Office submit a final presentence report to the Court no later than **June 15, 2015**. The Court **SCHEDULES** final disposition of this matter for **June 29, 2015, at 10:00 a.m.**; and,

4. The Government and the Defendant may file a Sentencing Memorandum addressing the sentencing factors set forth in 18 U.S.C. § 3553(a) as each party believes they may pertain to this case. The Sentencing Memorandum may also address such other matters as have not already been addressed in the form of motions or objections to the Presentence Report and may include argument as to the sentence to be imposed. The filing of the Sentencing Memorandum is optional. If filed, the Sentencing Memoranda shall be no more than five (5) pages in length, unless leave is granted by the Court for additional pages, and shall be filed with *and received by* the Clerk no later than **June 22, 2015**.

**IT IS SO ORDERED.**

The Court **DIRECTS** the Clerk to send a copy of this Order to the Defendant and counsel, the United States Attorney, the United States Probation Office, and the United States Marshal.

ENTER: March 24, 2015



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THOMAS E. JOHNSTON  
UNITED STATES DISTRICT JUDGE